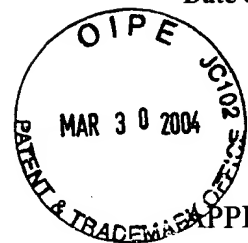


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100717-503 / Bayer 10139.4-KGB  
Le A 31 651 US 04 Lh/ASt



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO. : 09/966,137  
APPLICANTS : Thomas KRAHN et al  
FILED : September 28, 2001  
FOR : Masking Background Fluorescence and Luminescence in Optical  
Analysis of Biomedical Assays  
ART UNIT : 1641  
EXAMINER : P. Do

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March 30, 2004

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO-1449.

**I. Timeliness, Fees and Certifications in lieu of Fees**

This information disclosure statement is being filed within three months of the filing date of the application, or within three months of entry into the national stage, or before the mailing of a first Office Action on the merits. Pursuant to 37 CFR § 1.97(b), consideration of this information disclosure statement does not require a fee or a statement under 37 CFR § 1.97(e). However, should the Assistant Commissioner determine that a fee is, in fact, due, the Assistant Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-1263.

Application No. 09/966,137  
Applicant: Thomas KRAHN et al  
Information Disclosure Statement

## II. Copies of Listed References

Copies of all references listed on the attached Form PTO-1449 are being supplied. Copies of U.S. patents are not included pursuant to Pre-OG Notice dated July 11, 2003.

## III. Concise Statement of Relevance

All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By Howard C. Lee  
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### CERTIFICATE OF EXPRESS MAILING

I hereby certify that the foregoing Information Disclosure Statement and the accompanying Form PTO-1449 (One Sheet), and copies of cited references are being deposited with the United States Postal Service as express mail under label No. EV383033197US in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: March 30, 2004

By Jennifer Archer  
Jennifer Archer

<b>LIST OF PATENTS AND PUBLICATIONS</b> <b>APPLICANT'S INFORMATION</b> <b>DISCLOSURE STATEMENT</b> (Form PTO-1449)	Attorney Docket: 100717-618 / Bayer 10139.4	Serial No.: 09/966,137
	Applicant: Thomas KRAHN et al	Examiner: P. Do
	Filing Date: September 28, 2001	Art Unit: 1641

## U.S. PATENT DOCUMENTS

		Document Number	Date	Name	Class	Sub Class	Filing Date If appropriate
	AA	5,082,768	1/21/92	Burd et al.	435	7.92	12/28/90
	AB						
	AC						
	AD						
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub Class	Translation Yes No	
	AG							
	AH							
	AI							
	AJ							
	AK							
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AQ	Wan CP, Park CS, Lau BH; "A Rapid and Simple Microfluorometric Phagocytosis Assay"; Journal of Immunological Methods; 162(1993): pgs. 1-7
	AR	
	AS	
	AT	
	AU	

EXAMINER:

DATE CONSIDERED:

- EXAMINER: Initial if Reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered, include copy of this form with next communication to applicant.